

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT ON
AGING BILL)

A BILL FOR

1 An Act relating to the programs and services under the purview
2 of the department on aging.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231.2, subsection 3, Code 2018, is
2 amended to read as follows:

3 3. The social and health problems of older individuals and
4 their caregivers are compounded by a lack of access to existing
5 services, funding limitations, and by the unavailability of
6 a complete range of long-term living and community support
7 services in all areas of the state.

8 Sec. 2. Section 231.2, Code 2018, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. 5. Iowans need and desire comprehensive
11 information on the long-term living and community support
12 services and options available to them in order to preserve
13 and maintain their personal assets and to entirely avoid or
14 significantly delay reliance on entitlement programs.

15 NEW SUBSECTION. 6. Iowa is uniquely positioned to fully
16 participate in the longevity economy, the sum of all economic
17 activity serving the needs of Americans over fifty years of
18 age. Iowa should be promoted as a retirement destination with
19 access to quality health care, lifelong learning opportunities,
20 affordable housing, and a broad continua of long-term living
21 and community support services.

22 Sec. 3. Section 231.3, subsections 2, 3, and 4, Code 2018,
23 are amended to read as follows:

24 2. Access to physical and mental health care and long-term
25 living and community support services without regard to
26 economic status.

27 3. Suitable and affordable housing that reflects the needs
28 of older ~~people~~ individuals.

29 4. Full restorative services for those who require
30 institutional care, and a comprehensive array of ~~home and~~
31 ~~community-based,~~ long-term ~~care~~ living and community support
32 services adequate to sustain older people in their communities
33 and, whenever possible, in their homes, including support for
34 caregivers.

35 Sec. 4. Section 231.3, Code 2018, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3A. Access to comprehensive information
3 and a community navigation system providing all available
4 options related to long-term living and community support
5 services that assist older individuals in the preservation
6 of personal assets and the ability to entirely avoid or
7 significantly delay reliance on entitlement programs.

8 Sec. 5. Section 231.4, subsection 1, paragraphs j, k, and o,
9 Code 2018, are amended to read as follows:

10 *j. "Home and community-based services"* means a continua
11 of services available in an individual's home or community
12 which include but are not limited to case management services,
13 options counseling, family caregiving, homemaker services,
14 ~~home health aide~~, personal care services, adult day services,
15 respite services, congregate and home delivered meals,
16 nutrition counseling, nutrition education, and other medical
17 and social services which contribute to the health and
18 well-being of individuals and their ability to reside in a home
19 or community-based care setting.

20 *k. "Legal representative"* means a tenant's legal
21 representative as defined in section 231B.1 or 231C.2, or
22 a resident's guardian, conservator, or attorney in fact of
23 a resident representative payee, or agent under a power of
24 attorney.

25 *o. "Options counseling"* means a service involving an
26 interactive process, which may include a needs assessment,
27 directed by the recipient individual and which may include
28 other participants of the individual's choosing and the
29 individual's legal representative, in which the individual
30 receives guidance to make informed choices about long-term
31 living and community support services ~~and supports~~ in order to
32 sustain independent living.

33 Sec. 6. Section 231.4, subsection 1, Code 2018, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. *oe. "Congregate meal"* means a meal in

1 compliance with the most recent dietary guidelines for
2 Americans published jointly by the United States secretary of
3 health and human services and the secretary of agriculture
4 of the United States and with the dietary reference intakes
5 established by the food and nutrition board of the institute
6 of medicine of the national academy of sciences, provided to a
7 qualified individual in a congregate or group setting.

8 Sec. 7. Section 231.14, subsection 1, paragraph g, Code
9 2018, is amended to read as follows:

10 g. Adopt a formula method for the distribution of federal
11 Act and state funds taking into account, to the maximum
12 extent feasible, the best available data on the geographic
13 distribution of older individuals in the state, and publish the
14 formula method for review and comment.

15 Sec. 8. Section 231.23, subsection 8, Code 2018, is amended
16 to read as follows:

17 8. Assist the commission in adopting a formula method for
18 the distribution of funds available from the federal Act and
19 state appropriations and allocations.

20 Sec. 9. Section 231.23A, Code 2018, is amended to read as
21 follows:

22 **231.23A Programs and services.**

23 The department on aging shall provide or administer, but is
24 not limited to providing or administering, all of the following
25 programs and services:

26 1. ~~Services for older individuals including but not limited~~
27 ~~to home and community-based services such as adult day,~~
28 ~~assessment and intervention, transportation, chore, counseling,~~
29 ~~homemaker, material aid, personal care, reassurance,~~
30 ~~respite, visitation, caregiver support, emergency response~~
31 ~~system, mental health outreach, and home repair, persons~~
32 with disabilities eighteen years of age and older, family
33 caregivers, and veterans as defined by the department in the
34 most current version of the department's reporting manual and
35 pursuant to the federal Act and regulations.

1 2. The older American community service employment program.

2 3. ~~The case~~ Case management ~~program for frail elders~~
3 ~~services.~~

4 4. The aging and disability resource center, including the
5 call center, internet site, and provider database.

6 5. The legal assistance development program.

7 6. The nutrition and health promotion program.

8 7. ~~Administration relating to the area agencies on aging~~ The
9 Iowa family caregiver program.

10 8. Elder abuse prevention, detection, intervention, and
11 awareness including neglect and exploitation.

12 9. Other programs and services authorized by law.

13 Sec. 10. Section 231.32, subsection 1, Code 2018, is amended
14 to read as follows:

15 1. The commission shall designate an area agency on
16 aging for each planning and service area. The commission
17 shall continue the designation until an area agency on
18 aging's designation is removed for cause as determined by the
19 commission, until the time of renewal or the annual update of
20 an area plan, until the agency voluntarily withdraws as an
21 area agency on aging, or until a change in the designation
22 of planning and service areas or area agencies on aging
23 is required by state or federal law. In that event, the
24 commission shall proceed in accordance with subsections 2, 3,
25 and 4. Designated area agencies on aging shall comply with the
26 requirements of the federal Act.

27 Sec. 11. Section 231.32, subsection 2, paragraph d, Code
28 2018, is amended to read as follows:

29 d. Any public or nonprofit private agency in a planning
30 and service area or any separate organizational unit within
31 such agency which is under the supervision or direction for
32 this purpose of the department on aging and which can and will
33 engage only in the planning or provision of a broad range of
34 ~~supportive~~ long-term living and community support services or
35 nutrition services within the planning and service area.

1 Sec. 12. Section 231.32, subsection 4, Code 2018, is amended
2 to read as follows:

3 4. Each area agency shall provide assurance, determined
4 adequate by the commission, that the area agency has the
5 ability to develop an area plan and to carry out, directly
6 or through contractual or other arrangements, a program in
7 accordance with the plan within the planning and service area.
8 ~~In designating an area agency on aging within the planning~~
9 ~~and service area, the commission shall give preference to an~~
10 ~~established office of aging, unless the commission finds that~~
11 ~~no such office within the planning and service area has the~~
12 ~~capacity to carry out the area plan.~~

13 Sec. 13. Section 231.33, subsections 1 and 3, Code 2018, are
14 amended to read as follows:

15 1. Develop and administer an area plan on aging approved by
16 the commission.

17 3. Enter into ~~subgrants or~~ contracts to provide services
18 under the plan.

19 Sec. 14. Section 231.33, Code 2018, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 22. Act to sustain the agency through
22 public and private partnerships, entrepreneurial activities,
23 and other mutually collaborative efforts.

24 Sec. 15. Section 231.42, subsection 4, paragraph a, Code
25 2018, is amended to read as follows:

26 a. If abuse, neglect, or exploitation of a resident or
27 tenant is suspected, the state or a local long-term care
28 ombudsman shall, with the permission of the resident or tenant
29 as applicable under federal law, make an immediate referral to
30 the department of inspections and appeals, the department of
31 human services, the department on aging, or the appropriate
32 law enforcement agency, as applicable. ~~The state or a local~~
33 ~~long-term care ombudsman shall cooperate, if requested, with~~
34 ~~the department of inspections and appeals, department of human~~
35 ~~services, department on aging, or any law enforcement agency~~

1 ~~pursuant to any investigation of such abuse, neglect, or~~
2 ~~exploitation.~~

3 Sec. 16. Section 231.42, subsection 6, paragraph a,
4 unnumbered paragraph 1, Code 2018, is amended to read as
5 follows:

6 The state or a local long-term care ombudsman or certified
7 volunteer long-term care ombudsman shall have access to the
8 medical and social records of a resident or tenant, if any of
9 the following applies:

10 Sec. 17. Section 231.42, subsection 6, paragraph b, Code
11 2018, is amended to read as follows:

12 b. Records may be reproduced by the state or a local
13 long-term care ombudsman or by a certified volunteer long-term
14 care ombudsman.

15 Sec. 18. Section 231.53, Code 2018, is amended to read as
16 follows:

17 **231.53 Coordination with Workforce ~~Investment~~ Innovation and**
18 **Opportunity Act.**

19 The older American community service employment program
20 shall be coordinated with the federal Workforce ~~Investment~~
21 Innovation and Opportunity Act administered by the department
22 of workforce development.

23 Sec. 19. Section 231.56, Code 2018, is amended to read as
24 follows:

25 **231.56 Services and programs.**

26 The department shall administer long-term living and
27 community support services and programs that allow older
28 individuals to secure and maintain maximum independence and
29 dignity in a home environment that provides for self-care with
30 appropriate supportive services, assist in removing individual
31 and social barriers to economic and personal independence for
32 older individuals, and provide a continuum of care for older
33 individuals and individuals with disabilities, ~~and secure~~
34 ~~the opportunity for older individuals to receive managed~~
35 ~~in-home and community-based long-term care services.~~ Funds

1 appropriated for this purpose shall be allocated based on
2 administrative rules adopted by the commission. The department
3 shall require such records as needed to administer this
4 section.

5 Sec. 20. Section 231.56A, subsection 1, Code 2018, is
6 amended to read as follows:

7 1. The department shall administer the prevention of elder
8 abuse, neglect, and exploitation program in accordance with the
9 requirements of the federal Act. The purpose of the program
10 is to carry out activities for intervention in, ~~investigation~~
11 ~~of,~~ and response to elder abuse, neglect, and exploitation
12 including financial exploitation.

13 Sec. 21. Section 231.64, Code 2018, is amended to read as
14 follows:

15 **231.64 Aging and disability resource center.**

16 1. The aging and disability resource center shall be
17 administered by the department consistent with the federal
18 Act. The department shall designate ~~area agencies on aging a~~
19 qualified entity or entities to establish, in consultation with
20 other stakeholders including organizations representing the
21 disability community, a coordinated system for providing all
22 of the following:

23 a. Comprehensive information, referral, and assistance
24 regarding the full range of available public and private
25 long-term ~~care programs~~ living and community support services,
26 options, service providers, and resources within a community,
27 including information on the availability of integrated
28 long-term care.

29 b. Options counseling to assist individuals in assessing
30 their existing or anticipated long-term care needs and
31 developing and implementing a plan for long-term care designed
32 to meet their specific needs and circumstances. The plan
33 for long-term ~~care~~ living and community support services may
34 include support with person-centered care transitions to assist
35 consumers and family caregivers with transitions between home

1 and care settings.

2 c. Consumer access to the range of publicly-supported
3 long-term ~~care programs~~ living and community support services
4 for which consumers may be eligible, by serving as a convenient
5 point of entry for such ~~programs~~ services. The aging and
6 disability resource center shall offer information online and
7 be available via a toll-free telephone number, electronic
8 communications, and in person.

2. The aging and disability resource center shall assist older individuals, persons with disabilities age eighteen or older, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term care living and community support services ~~and community supports.~~

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill amends provisions in Code chapter 231 (department
19 on aging — older Iowans) relating to programs and activities
20 under the purview of the department on aging.

21 The bill amends provisions relating to legislative findings
22 and declarations relating to the department on aging by
23 including statements relating to limitations of funding and
24 that: Iowans need and desire comprehensive information on the
25 long-term living and community support services and options
26 available to them to preserve and maintain their personal
27 assets and to entirely avoid or significantly delay reliance
28 on entitlement programs; Iowa is uniquely positioned to fully
29 participate in the longevity economy, the sum of all economic
30 activity serving the needs of Americans over 50 years of age;
31 and that Iowa should be promoted as a retirement destination
32 with access to quality health care, lifelong learning
33 opportunities, affordable housing, and a broad continua of
34 long-term living and community support services.

35 The bill also amends provisions relating to the state

1 policy and objectives for the department on aging by including
2 statements that it is the policy of the state to work toward
3 the objectives of attaining: access to physical and mental
4 health care and long-term living and community support services
5 for older individuals without regard to economic status;
6 suitable and affordable housing that reflects the needs of
7 older individuals; and access to comprehensive information
8 and a community navigation system that provides all available
9 options related to long-term living and community support
10 services that assist older individuals in the preservation
11 of personal assets and the ability to entirely avoid or
12 significantly delay reliance on entitlement programs.

13 The bill amends the definitions used in Code chapter
14 231 including "home and community-based services", "legal
15 representative", and "options counseling" and includes a
16 definition of "congregate meal". The bill also changes various
17 references throughout the Code chapter relating to "services"
18 to instead refer to "long-term living and community support
19 services".

20 The bill directs the commission on aging to adopt a "method"
21 rather than a "formula" for distribution of funds available
22 under the federal Older Americans Act.

23 The bill clarifies that the department on aging shall
24 provide or administer: programs and services for older
25 individuals, persons with disabilities 18 years of age and
26 older, family caregivers, and veterans; case management
27 services; the aging and disabilities resource center including
28 the call center, internet site, and provider database; and the
29 Iowa family caregiver program. The bill eliminates from the
30 programs and services to be provided or administered by the
31 department, administration relating to the area agencies on
32 aging.

33 The bill provides that in addition to other bases, the
34 commission on aging shall continue a designation of an area
35 agency on aging until the time of a renewal or the annual

1 update of the area plan. The bill eliminates a provision that,
2 in designating an area agency on aging, the commission on aging
3 give preference to an established office of aging unless the
4 commission finds that no such office within the planning and
5 service area has the capacity to carry out the area plan.

6 The bill clarifies that the area plan developed and
7 administered by an area agency on aging must be approved by
8 the commission on aging. The bill eliminates the authority
9 of area agencies on aging to enter into subgrants to provide
10 services under the agency plan, but retains their authority to
11 enter into contracts to do so. The bill directs area agencies
12 on aging to act to sustain the area agency through public and
13 private partnerships, entrepreneurial activities, and other
14 mutually collaborative efforts.

15 The bill eliminates the provision that directed the
16 state or a local long-term care ombudsman, if requested, to
17 cooperate with the department of inspections and appeals, the
18 department of human services, the department on aging, or any
19 law enforcement agency pursuant to any investigation of abuse,
20 neglect, or exploitation. The bill also provides that in
21 addition to the state or a local long-term care ombudsman, a
22 certified volunteer long-term care ombudsman is authorized to
23 have access to the medical and social records of a resident
24 or tenant under specific circumstances and to reproduce such
25 records.

26 The bill updates a reference by replacing the reference to
27 the federal Workforce Investment Act with the federal Workforce
28 Innovation and Opportunity Act.

29 The bill directs the department to administer long-term
30 living and community support services and programs but
31 eliminates the directive to secure the opportunity for older
32 individuals to receive managed in-home and community-based
33 long-term care services.

34 The bill eliminates the requirement that, as part of
35 carrying out the prevention of elder abuse, neglect, and

1 exploitation program, the department carry out activities
2 for investigation of elder abuse, neglect, and exploitation
3 including financial exploitation, but retains the directive to
4 the department to carry out activities for intervention in and
5 response to elder abuse, neglect, and exploitation including
6 financial exploitation.

7 The bill directs the department to designate a qualified
8 entity or entities, rather than an area agency on aging,
9 to establish a coordinated system to provide the services
10 of an aging and disability resource center. The bill also
11 specifically provides that an aging and disability resource
12 center is to provide consumer access to information about
13 long-term living and community support services online, and
14 be available via a toll-free telephone number, electronic
15 communications, and in person.